

Chair Anne Boyle called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Gerald Vap present. Chair Boyle invited the public to address the Commission and also announced that a copy of the Nebraska Open Meetings Act was posted in the meeting room. No announcements were made.

GENERAL ADMINISTRATION

Notice was duly published August 12, 2008 on Page 9 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held August 19, 2008 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceedings:

Tuesday, August 19, 2008:

C-3925/ In the Matter of the Commission, on its own motion, regard-
DC-75 ing the 2007 Annual Report Filings. Commissioner Rod John-
1:30 son presiding as Hearing Officer.

Thursday, August 21, 2008:

C-3945/ Platte Conference Room, Lincoln. Planning Conference.
NUSF- In the Matter of the Commission, on its own motion, seeking
60.02/ to conduct an investigation of Qwest Corporation's proposed
PI-138 switched access charge rates. Commissioner Frank Landis
2:30 presiding as Hearing Officer.

COMMUNICATIONS DEPARTMENT

AD-457 In the Matter of Tiburon Financial, LLC, Omaha, seeking
authority to connect an automatic dialing-announcing
device: Motion made by Commissioner Tim Schram, seconded by Commis-
sioner Frank Landis, to enter an order granting the application.
Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank
Landis, Tim Schram and Jerry Vap voting AYE.

C-3945/ In the Matter of the Commission, on its own motion, seeking
NUSF- to conduct an investigation of Qwest Corporation's Pro-
60.02/ posed Switched Access Charge Rates. Commissioner Frank
PI-138 Landis presiding as Hearing Officer. Gene Hand informed
the Commission that a Hearing Officer Order was entered on
August 12, 2008, continuing the Planning Conference previously sche-
duled for August 18, 2008, to August 21, 2008, at 2:30 p.m. in the
Platte Conference Room, Lincoln. The call number is 1-888-866-4213.

COMMUNICATIONS DEPARTMENT (Cont.)

Gene Hand informed the Commission that the National Association of Regulatory Utility Commissioners comment extension request to the Federal Communications Commission (FCC) in WC Docket 08-152 was granted and the following new comment cycle was adopted: Initial comments due August 21, 2008, and reply comments due September 2, 2008.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-020.02 In the Matter of Jeffrey L. Pursley, Director, Telecommunications Infrastructure and Public Safety Department, Complainant, v. 1-800-Reconex; Applied Communications Technology, Inc.; Arapahoe Telephone Company d/b/a ATC Communications; Cable USA III, LLC; Charter Fiberlink-Communications VI, LLC; Citistream Communications, Inc.; Community Internet Systems, Inc.; Cozad Telephone Company; Dalton Telephone Company; Elsie Communications, Inc.; Global Connection Inc. of America; Granite Telecommunications; LLC; MCImetro Access Transmission Services, LLC; NorthStar Telecom, Inc.; Three River Telco; Three River Communications, LLC; Time Warner Cable Information Services (Nebraska), LLC; VCI Company d/b/a Vilaine Communications, Inc., Respondent(s). Commissioner Vap presiding as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order dismissing the Complaint, in part. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-60.02 In the Matter of the Commission, on its own motion, seeking C-3945/ to investigate Qwest Corporation's Access Rates: This PI-138 matter was addressed during the Communication's Department agenda.

RULES AND REGULATION

Rule and In the Matter of the Commission, on its own motion, seeking Regulation to amend Title 291, Chapter 10, Nebraska Universal Service #171 Fund Rules and Regulations, to update the chapter in its entirety and to reorganize the chapter by the nature of the program supported by the NUSF. Commissioner Landis presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to reconsider the action taken at the August 12, 2008 Commission meeting to approve the order amending Rule 004.08, seeking comment and scheduling a hearing for October 28, 2008. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

RULES AND REGULATION (Cont.)

Rule and In the Matter of the Commission, on its own motion, seeking Regulation to amend Title 291, Chapter 10, Nebraska Universal Service #171 Fund Rules and Regulations, to update the chapter in its entirety and to reorganize the chapter by the nature of the program supported by the NUSF. Commissioner Landis presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order revising proposed amendments, seeking comment and scheduling a hearing for October 29, 2008 at 1:00 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TRANSPORTATION DEPARTMENT

B-1717 In the Matter of Platinum Limousine Services, LLC, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers and their baggage in limousine service between points in Boyd, Knox, Cedar, Dixon, Antelope, Wheeler, Greeley, Boone, Nance, Pierce, Madison, Platte, Polk, Butler, Colfax, Stanton, Wayne, Dakota, Thurston, Cuming, Dodge, Burt and Washington counties, on the one hand, and, on the other hand, points in Nebraska over irregular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. Commissioner Johnson presiding as Hearing Officer: Mark Breiner informed the Commission that a Hearing Officer's order was entered August 19, 2008, continuing the hearing previously scheduled for August 21, 2008, to September 10, 2008, at 9:30 a.m. in the Commission Hearing Room, Lincoln, and Northeast Community College, Maclay Building, Room 122, 801 East Benjamin Avenue, Norfolk.

Rate Division

LR-290 In the Matter of OMALiNK, Lincoln, seeking authority to adjust its rates and charges: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order granting the application on an emergency basis. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

MR-930 In the Matter of Movers and Warehouse Division, Nebraska Motor Carriers Association, Lincoln, seeking authority to establish a fuel surcharge in Nebraska Official Goods Tariff 7F and Tariff 22: The fuel surcharge was decreased to \$1.22 per mile and Tariff 22 was decreased to \$8.72 per truck per trip.

HOUSING AND RECREATIONAL VEHICLE DEPARTMENT

Mark Luttich provided an update on the financial status of the department.

GRAIN WAREHOUSE DEPARTMENT

GW-1599/ In the Matter of Alvo Grain and Feed, Inc., Alvo and Ash-
GD-1599 land: John Fecht updated the Commission on the status of
this docket.

Commissioner Rod Johnson left the Commission Hearing room.

GENERAL ADMINISTRATION

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation to approve the following Commission invoices. Motion passed with Commissioners Anne Boyle, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Rod Johnson excused not voting.

AS Central Finance-Postage	\$	572.21
Dept. of Roads		535.52

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Alternative Hearing	\$	1,380.00
Associated Ear Nose & Throat		1,567.40
B Hear Inc.		3,425.38
Beltone		2,335.70
Glassman's Hearing Aid Service		346.89
Hamilton Telecommunications		509.20
Hearing Aid Center of Columbus		189.95
Carl A. Johnson		1,929.56
Sherard Hearing Aid Center		1,352.00
Teltex/The Hearing Clinic Inc.		3,041.49
Weitbrecht Communications		411.20
Western ENT Associates		269.95
Professional Hearing Aid Services		279.90

Commissioner Rod Johnson entered the Commission Hearing room.

Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation to approve the revised agreement with the Nebraska Attorney General's Office for the provision of legal services effective July 1, 2008. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle voting NAY.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation to approve the Commission minutes for the month of July, 2008. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Rod Johnson, seconded by Commissioner Jerry Vap, to enter into closed session to discuss adoption of the 2009-10/2010-11 employee Merit Pay Plan and a personnel issue. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. The Commission entered into closed session at 10:34 a.m.

Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to return to open session. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. The Commission returned to open session at 10:58 a.m.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to ratify the action of the Executive Director terminating the employment of a Grain Warehouse employee effective August 14, 2008 and open the position for hire. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendation to approve the Merit Pay Plan. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Commissioner Frank Landis left the Commission Hearing room.

Mike Hybl, John Burvainis and Steve Stovall discussed the Agency Budget Request for 2009-10 and 2010-11. The following action was taken:

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to establish a General Fund request level for the National Regulatory Research Institute (NRRI) dues. Motion passed with Commissioners, Rod Johnson, Tim Schram and Jerry Vap voting AYE, Commissioner Anne Boyle voting NAY and Commissioner Frank Landis excused not voting.

Motion made by Commissioner Rod Johnson, seconded by Commissioner Jerry Vap, to upgrade the Commission Hearing Room PA system and request funding. Motion passed with Commissioners Rod Johnson, Tim Schram, Jerry Vap and Anne Boyle voting AYE, and Commissioner Frank Landis excused not voting.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to table consideration of the budget until the Commission meeting on August 26, 2008. Motion passed with Commissioners Rod Johnson, Tim Schram, Jerry Vap and Anne Boyle voting AYE, and Commissioner Frank Landis excused not voting.

The meeting adjourned at 11:45 a.m. with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Gerald Vap present and Commissioner Frank Landis excused. The next regularly scheduled meeting will be held on August 26, 2008, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on August 25, 2008.

Chair

Executive Director